

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHINOOK INDIAN NATION, et al.,

Plaintiffs,

v.

DEB HAALAND, et al.,

Defendants.

CASE NO. C17-5668 MJP

ORDER RE: JOINT STATUS  
REPORT DKT. NO. 156

The Court issues this Order in light of the Parties' Joint Status report filed on May 7, 2024. (Dkt. No. 156.) In the Report, the Parties note that all steps necessary for the distribution of assets held in trust for the Lower Band of Chinook and Clatsop Indians have been completed and that the assets have been distributed to and received by Plaintiff Chinook Indian Nation. (JSR at 1-2.) The Parties agree that the Court may enter judgment on the claims as follows:

- Claim for Relief I should be dismissed;
- Claim for Relief II should be "granted with respect to Plaintiffs' allegation that the decision not to adopt a proposed regulation modifying the re-petitioning ban

was arbitrary and capricious and the matter is remanded to the Department of Interior for further evaluation consistent with Court's order";

- Claim for Relief III should be dismissed;
- Claim for Relief IV should be dismissed;
- Claim for Relief V should be dismissed;
- Claim for Relief VI should be dismissed as moot;
- Claim for Relief VII should be dismissed as moot; and
- Claim for Relief VIII should be dismissed as moot.

The Court agrees with the Parties' proposal as to the entry of judgment. The Court therefore DIRECTS the Clerk to enter judgment on the terms set forth above.

The Court notes that the Parties disagree as to whether the Court should retain jurisdiction over the remanded claim. To resolve this question, the Court ORDERS the following briefing schedule:

1. Plaintiffs must file a motion asking the Court to retain jurisdiction, which shall be filed by no later than May 29, 2024. The motion may not exceed six pages or 2,100 words.
2. Defendants must file their opposition by no later than June 4, 2024. The response must not exceed six pages or 2,100.
3. Plaintiffs may then file a reply by no later than June 7, 2024, which shall not exceed three pages or 1,050 words.

The Court also notes that it will consider Plaintiffs' request for attorneys' fees, should it be timely filed.

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1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated May 9, 2024.

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4 Marsha J. Pechman  
5 United States Senior District Judge  
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